

BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
NICHOLAS A. KOFFROTH, ESQ.  
Nevada Bar No. 16264  
ZACHARY T. WILLIAMS, ESQ.  
Nevada Bar No. 16023  
**FOX ROTHSCHILD LLP**  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
Telephone: (702) 262-6899  
Facsimile: (702) 597-5503  
Email: baxelrod@foxrothschild.com  
nkoffroth@foxrothschild.com  
zwilliams@foxrothschild.com  
*Counsel for Debtor*

**UNITED STATES BANKRUPTCY COURT**  
**DISTRICT OF NEVADA**

In re

CASH CLOUD, INC.,  
dba COIN CLOUD,

Debtor.

Case No. BK-23-10423-mkn

Chapter 11

**EX PARTE APPLICATION FOR ORDER  
SHORTENING TIME FOR HEARING  
EMERGENCY MOTION FOR ENTRY OF  
AN ORDER ESTABLISHING  
ADMINISTRATIVE CLAIM BAR DATE  
FOR FILING PROOFS OF  
ADMINISTRATIVE EXPENSE CLAIM  
AND APPROVING FORM, MANNER  
AND SUFFICIENCY OF NOTICE  
THEREOF; MEMORANDUM OF POINTS  
AND AUTHORITIES IN SUPPORT  
THEREOF**

Hearing Date: N/A

Hearing Time: N/A

Cash Cloud, Inc. d/b/a Coin Cloud (“Cash Cloud,” or “Debtor”), debtor and debtor-in-possession in the above-captioned Chapter 11 case (the “Chapter 11 Case”), by and through its undersigned counsel, Fox Rothschild LLP, hereby files this *Ex Parte Application For Order Shortening Time For Hearing* (the “Application”) on Debtor’s *Emergency Motion for Entry of an*

1 *Order Establishing Administrative Claim Bar Date for Filing Proofs of Administrative Expense*  
 2 *Claim and Approving Form, Manner and Sufficiency of Notice Thereof; Memorandum of Points and*  
 3 *Authorities in Support Thereof* (the “Motion”).<sup>1</sup> This Application is made and based upon the  
 4 following points and authorities, the *Declaration of Brett A. Axelrod* (the “Axelrod Declaration”) in  
 5 support hereof and attached as **Exhibit A** hereto, the Attorney Information Sheet filed concurrently  
 6 herewith, and the pleadings and papers on file in the above-captioned chapter 11 case, judicial notice  
 7 of which is respectfully requested.

8 WHEREFORE, for the reasons set forth herein, Debtor respectfully requests that the Court  
 9 hear the Motion on an order shortening time and grant such other and further relief as may be just and  
 10 proper.

11 Dated this 29th day of June, 2023.

12 **FOX ROTHSCHILD LLP**

13 By: /s/Brett A. Axelrod  
 14 BRETT A. AXELROD, ESQ.  
 15 Nevada Bar No. 5859  
 16 NICHOLAS A. KOFFROTH, ESQ.  
 17 Nevada Bar No. 16264  
 18 ZACHARY T. WILLIAMS, ESQ.  
 19 Nevada Bar No. 16023  
 20 1980 Festival Plaza Drive, Suite 700  
 21 Las Vegas, Nevada 89135  
 22 *Counsel for Debtor*

23  
24  
25  
26  
27  
28  


---

<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the Motion.

1 **POINTS AND AUTHORITIES**

2 **I.**

3 Debtor, by this Application, pursuant to Bankruptcy Rule 9006 and Rule 9006 of the Local  
4 Bankruptcy Rules for the United States Bankruptcy Court, District of Nevada (the “Local Rules”),  
5 seeks an order shortening time for notice and hearing for the Motion.

6 **The Relief is Authorized by Rule 9006 and Meets Due Process Requirements.**

7 Bankruptcy Rules 9006(c)(1) and (d) authorize a court to reduce the time for a hearing, and  
8 a party to file an *ex parte* motion to shorten the time for a hearing. Bankruptcy Rule 9006(c)(1)  
9 provides in relevant part:

10 In General. Except as provided in paragraph (2) of this subdivision,  
11 when an act is required or allowed to be done at or within a specified  
12 time by these rules or by a notice given thereunder or by order of court,  
the court for cause shown may in its discretion with or without motion  
or notice order the period reduced.

13 Fed. R. Bankr. P. 9006(c)(1).

14 Courts have generally acknowledged that such expedited relief does not violate due process  
15 rights, *even if the motion to shorten time is made ex parte*. “Bankruptcy Rule 9006(c) permits the  
16 bankruptcy court ‘for cause shown’ in its discretion, with or without motion or notice, to reduce the  
17 notice period, and ex parte motions for material reductions in the notice period are routinely granted  
18 by bankruptcy courts.” Hester v. NCNB Texas Nat’l Bank (In re Hester), 899 F.2d 361, 364 n. 3  
19 (5th Cir. 1990); see also 10 Collier on Bankruptcy 9006.09 (16th ed. 2019 rev.); In re Gledhill, 76  
20 F.3d 1070 (10th Cir. 1996).

21 Cause exists for the Court to shorten time on the Motion. In light of the recently-completed  
22 auction, which yielded materially less value to the estate than originally anticipated, the Debtor  
23 requests that the Court establish an administrative claims bar date for the interim period between the  
24 Petition Date and July 20, 2023 to permit the Debtor, interested parties, and Court to assess the  
25 potential universe of administrative claims by the July 27, 2023 confirmation hearing date. The plan  
26 provides for payment of allowed administrative claims on the effective date and the establishment of  
27 an administrative claim escrow. The Debtor has requested consideration of this Motion on an  
28 emergency basis, in part, to ensure that potential administrative creditors will have as close to 21

1 days' notice of the bar date as practicable. Further, the Debtor requests approval of the Administrative  
2 Claim Form, which is intended to provide administrative creditors (and the estate) with a streamlined  
3 and uniform process to prepare, file, and review administrative claims.

4 Debtor seeks the entry of the Administrative Claim Bar Date Order: (i) establishing 5:00 p.m.  
5 (prevailing Pacific Time) on July 20, 2023 as the Administrative Claim Bar Date as the deadline by  
6 which all Administrative Claim Creditors and who seek to assert an administrative expense claim,  
7 pursuant to § 507(a)(2), must file a request for payment of such administrative expense claim using  
8 the Administrative Claim Form, the proposed form of which is attached to the Motion as **Exhibit A**,  
9 and in accordance with the substantive requirements described in the Administrative Claim Bar Date  
10 Notice, the proposed form of which is attached to the Motion as **Exhibit B**; and (ii) approving the  
11 form and manner of notice of the Administrative Claim Bar Date.

12 Copies of the Motion and related pleadings shall be served on (a) the Office of the United  
13 States Trustee; (b) counsel to the Official Committee of Unsecured Creditors; (c) counsel to the DIP  
14 Lender; (e) Debtor's secured creditors and (f) the parties that have filed requests for special notice  
15 in the Chapter 11 Case.

16 **Counsel Has Conferred With the Notice Parties.**

17 Prior to filing this Motion, and pursuant to Local Rule 9006, Counsel consulted the parties as  
18 shown on the Attorney Information Sheet For Proposed Order Shortening Time, filed concurrently  
19 herewith and incorporated by reference herein.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

II.

CONCLUSION

WHEREFORE, for all of the foregoing reasons, Debtor respectfully requests that the Court hear the Motion on an expedited basis, and grant such other and further relief as may be just and proper.

Dated this 29th day of June, 2023.

FOX ROTHSCHILD LLP

By: /s/Brett A. Axelrod  
BRETT A. AXELROD, ESQ.  
Nevada Bar No. 5859  
NICHOLAS A. KOFFROTH, ESQ.  
Nevada Bar No. 16264  
ZACHARY T. WILLIAMS, ESQ.  
Nevada Bar No. 16023  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
*Counsel for Debtor*

FOX ROTHSCHILD LLP  
1980 Festival Plaza Drive, Suite 700  
Las Vegas, Nevada 89135  
(702) 262-6899  
(702) 597-5503 (fax)

**EXHIBIT A**

**DECLARATION AFFIRMING REQUESTED RELIEF**

I, Brett A. Axelrod, declare under penalty of perjury that: I am competent to make this declaration under the laws of the United States and the State of Nevada; I have read the above Application for an Order Shortening Time; and the facts stated therein are true and correct to the best of my knowledge, information and belief.

DATED this 29th day of June 2023.

By /s/Brett A. Axelrod  
BRETT A. AXELROD